

RESOLUTION NO. 2403

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC TRAIL ACCESS EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

WHEREAS, A.R.S. § 9-241 provides that the Town of Payson may receive real property necessary or proper to carry out the purposes of the municipal corporation, within or without its limits: and

WHEREAS, that certain easement described on Exhibit "1" attached hereto has been offered to the Town of Payson by Robert Phipps, Dan Grissom, and Lawrence H. Bowen IV, as Trustees for the Payson Congregation of Jehovah's Witnesses; and

WHEREAS, said real property is located within the corporate limits of the Town of Payson,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Town of Payson does hereby accept the public trail access easement described in Exhibit "1" attached hereto and incorporated herein as though set forth in full at this point.

Section 2. That the Town of Payson shall perform any and all other acts necessary or appropriate to accept said drainage easement and to the use and control thereof, including, but not limited to, the maintenance thereof.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

JUL 17 2008 - G-13

EXHIBIT "1"
to Resolution No. 2403

When recorded, return to:
Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541

PUBLIC TRAIL ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

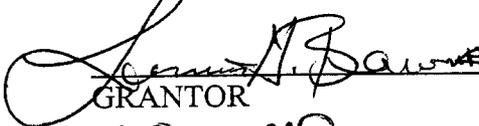
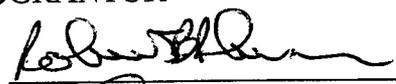
In consideration of one dollar (\$1.00) and other good and valuable consideration paid to ROBERT PHIPPS, DAN GRISSOM, LAWRENCE H. BOWEN, IV, AS TRUSTEES FOR THE PAYSON CONGREGATION OF JEHOVAH'S WITNESSES, (hereinafter referred to as GRANTORS) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual easement without right of assembly but with the right to construct trail path improvements and thereafter use, inspect, repair, maintain, replace and remove surface materials as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTORS situate in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" attached hereto and made a part hereof.

The consideration herein above recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTORS, their successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. Each GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of GRANTORS, their successors and assigns.

Should the use of this easement by all GRANTEES cease to exist, then the rights to this easement shall become void.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 29 day of May, 2008.


GRANTOR 5/23/08

GRANTOR 5/28/08

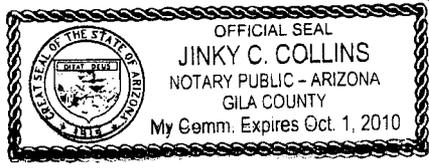
GRANTOR

STATE OF ARIZONA)
) ss.
County of Gila)

The foregoing easement document was acknowledged before me this 23RD day of May, 2008, by Lawrence H. Bowen IV.

Jinky Collins
Notary Public

My commission expires:
Oct. 1, 2010

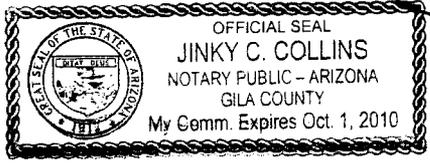


STATE OF ARIZONA)
) ss.
County of Gila)

The foregoing easement document was acknowledged before me this 29TH day of May, 2008, by Robert Briggs Phipps, Jr..

Jinky Collins
Notary Public

My commission expires:
Oct. 1, 2010



STATE OF ARIZONA)
) ss.
County of Gila)

The foregoing easement document was acknowledged before me this 3RD day of June, 2008, by Daniel Enssam.

Jinky Collins
Notary Public

My commission expires:
Oct. 1, 2010

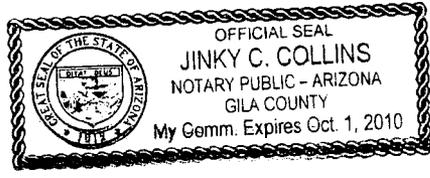


EXHIBIT "A"

TRAIL PATH EASEMENT DESCRIPTION

The east 14 feet of the real property conveyed to CARL LEE McCLEERY, JOHN SEVRIN GYRING, & ROBERT BRIGGS PHIPPS, JR., AS TRUSTEES FOR THE PAYSON CONGREGATION OF JEHOVAH'S WITNESSES, with deed recorded in Docket 826 Page 765 & 766 in the Office of the Recorder of Gila County, Arizona.

Reference: JehovahWitness2